

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION
CORPORATION, : SIPA Liquidation

Plaintiffs, :
vs. : No. 08-01789 (BRL)

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC, :

Defendant. :

-----: Adv. Pro. No. 09-01265 (BRL)

In re:

BERNARD L. MADOFF :

Debtor. :

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DECLARATION OF BRIAN MADDOX IN SUPPORT OF PLAINTIFF'S REPLY
MOMORANDUM OF LAW IN FURTHER SUPPORT OF ITS OPPOSITION TO
TRUSTEE'S MOTION FOR AN ORDER UPHOLDING TRUSTEE'S
DETERMINATION DENYING CUSTOMER CLAIMS' FOR AMOUNTS LISTED ON
LAST STATEMENT, AFFIRMING TRUSTEE'S DETERMINATION OF NET EQUITY,
AND EXPUNGING THOSE OBJECTIONS WITH RESPECT TO THE
DETERMINATIONS RELATING
TO NET EQUITY

I, Brian Maddox, declare as follows:

1. I am an associate at the law firm of Lax & Neville, LLP, a member in good standing of the Bars of New York and this Court, and am fully familiar with the facts and circumstances contained herein.
2. My firm represents Plaintiffs Mary Albanese, the Brow Family Partnership, Allan Goldstein, Laurence Kaye, Suzanne Kaye, Rose Less and Gordon Bennett (collectively,

“Plaintiffs”), on behalf of themselves and the Class,¹ in *Less, et al. v. Picard, Trustee, Adv. Pro.* No. 09-1265 (BRL), and those individuals that have filed Objections to the Trustee’s determination letters regarding their SIPC claims.²

3. Attached hereto as Exhibit A is a true and correct copy of the Report of Investigation, United States Securities and Exchange Commission Office of Inspector General, “Investigation of Failure of the SEC To Uncover Bernard Madoff’s Ponzi Scheme,” August 31, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 21, 2009.



Brian Maddox

¹ The Class is defined as all persons and entities who: (i) maintained one or more customer accounts with Madoff as of December 11, 2008, the value of which is/are adversely affected by the Trustee’s unlawful calculation of “net equity” in contrivance of 15 U.S.C. § 78l(l)(1); and (ii) have suffered and will suffer damages thereby. Excluded from the Class are the (i) Trustee, members of his immediate family and their legal representatives, heirs, successors, or assigns and any entity in which Defendant has or had a controlling interest; and (ii) Bernard L. Madoff, members of his immediate family and their legal representatives, heirs, successors, or assigns and any entity in which Bernard L. Madoff has or had a controlling interest, including their officers, directors, agents and employees.

² Mary Albanese; Mary Albanese, as trustee for the Dominick Albanese Trust Acct B; William Jay Cohen, as Trustee for the William Jay Cohen Trustee Dated 11/14/89; Eleanor P. Cohen, as Trustee for the Eleanor P. Cohen Trustee dated 11/14/89; Jacob Davis; Fammad, LLC; Myron Feuer; Jerome Fox; Selma Fox; Robert Allen Greene; Julian Greene; Robert Allen Greene as Custodian; Bruce P. Hector MD; Howard Kamp; Bonnie Kansler; Matthew S. Kanlser; Larry Kaye; Marjorie Kleinman; Dale Kleinman; Elliot S. Kaye; Robert Kehlmann, as trustee for the Trust UW William Kehlmann U/A DTD 1/23/65; Robert Kehlmann, as trustee for the Robert Kehlmann & Diana Tosto Kehlmann Living Trust U/A DTD 3/19/90; Robert Kehlmann, as trustee for the Trust FBO Ephraim Kehlmann U/A DTD 12/30/72; Donald Kent MD; Robert Korn, as Trustee for the Robert Korn Revocable Trust; Rose Less; Ruth Mechaneck; Harriet Meiss, as Trustee of the Harriet K. Meiss Trust; The Morse Family Foundation; Lanny Rose, as Trustee for the Lanny Rose Revocable Trust; Robert L. Schwartz, as trustee of the Robert L. Schwartz 2004 Revocable Trust; Elaine Schlessberg; Angelo Viola and Angelo Viola IRA; Allan Goldstein; and Rodger & Miriam Williams; Gordon Bennett (IRA); Watershed Foundation; Carol Kasbar Bulman (IRA); Richard G. Eaton (IRA); Fammad, LLC; PJFN Limited Partnership; PEDS Retirement Fund; Fox Family Partnership LLC; Zipora Wagreich Trustee U/A DTD 11/6/90; Gary Korn; Korn Family Partnership; Donna Lefkowitz; HO Marital Trust.